

Message Text

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FROM AMBASSADOR KEARNEY

E.O. 11652: N/A
TAGS: PFOR, ILC
SUBJECT: STATE RESPONSIBILITY - INTERNATIONAL LAW COMMISSION

REF: STATE 173338

ARTICLE 18 (INTERNATIONAL CRIMES AND INTERNATIONAL DELICTS)
DATED JUNE 30, 1976, AS ADOPTED BY THE DRAFTING COMMITTEE
IS QUOTED AS FOLLOWS:

1. AN ACT OF A STATE WHICH CONSTITUTES A BREACH OF AN
INTERNATIONAL OBLIGATION IS AN INTERNATIONALLY WRONGFUL
ACT, REGARDLESS OF THE SUBJECT-MATTER OF THE OBLIGATION
BREACHED.

2. AN INTERNATIONALLY WRONGFUL ACT WHICH RESULTS FROM
THE BREACH BY A STATE OF AN INTERNATIONAL OBLIGATION SO
ESSENTIAL FOR THE PROTECTION OF FUNDAMENTAL INTERESTS OF
THE INTERNATIONAL COMMUNITY THAT ITS BREACH IS
RECOGNIZED AS A CRIME BY THAT COMMUNITY AS A WHOLE,
CONSTITUTES AN INTERNATIONAL CRIME.

3. SUBJECT TO PARAGRAPH 2, AND ON THE BASIS OF THE
RULES OF INTERNATIONAL LAW IN FORCE, AN INTERNATIONAL
CRIME MAY RESULT, INTER ALIA, FROM:

(A) A SERIOUS BREACH OF AN INTERNATIONAL OBLIGATION
OF ESSENTIAL IMPORTANCE FOR MAINTENANCE OF INTERNATIONAL
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PEACE AND SECURITY, SUCH AS THAT PROHIBITING AGGRESSION;

(B) A SERIOUS BREACH OF AN INTERNATIONAL OBLIGATION OF ESSENTIAL IMPORTANCE FOR SAFEGUARDING THE RIGHT OF SELF-DETERMINATION OF PEOPLES, SUCH AS THAT PROHIBITING THE ESTABLISHMENT R MAINTENANCE BY FORCE OF COLONIAL DOMINATION;

(C) A SERIOUS BREACH ON A WIDESPREAD SCALE OF AN INTERNATIONAL OBLIGATION OF ESSENTIAL IMPORTANCE FOR SAFEGUARDING THE HUMAN BEING, SUCH AS THOSE PROHIBITING SLAVERY, GENOCIDE, APARTHEID;

(D) A SERIOUS BREACH OF AN INTERNATIONAL OBLIGATION OF ESSENTIAL IMPORTANCE FOR SAFEGUARDING THE PRESERVATION OF THE HUMAN ENVIRONMENT, SUCH AS THOSE PROHIBITING MASSIVE POLLUTION OF THE ATMOSPHERE OR OF THE SEAS.

4. ANY INTERNATIONALLY WRONGFUL ACT WHICH IS NOT AN INTERNATIONAL CRIME IN ACCORDANCE WITH PARAGRAPH 2, CONSTITUTES AN INTERNATIONAL DELICT (WRONG).
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